

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

BRENT WILLIAM JACOBY,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:19cv1067-MHT
)	(WO)
OFFICER LANIER, et al.,)	
)	
Defendants.)	

JUDGMENT

In accordance with the opinion entered today, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) The United States Magistrate Judge's recommendation (Doc. 113) is adopted.

(2) Four of five defendants (Sergeant Nicholas Hall, Lieutenant Terrence Calvin, Officer Guntaye Clay, and Captain Charles McKee) have moved for summary judgment, and their motion (Doc. 46) is granted to the following extent:

(a) Plaintiff Brent William Jacoby's claims to the extent he seeks injunctive relief.

(b) Plaintiff Jacoby's claims to the extent he

seeks damages from these defendants in their official capacities (to the extent he intended to seek such).

(c) Plaintiff Jacoby's deliberate-indifference claim against defendant Sergeant Hall.

(d) Plaintiff Jacoby's claims regarding conditions-of-confinement.

(e) Plaintiff Jacoby's claims for deprivation of property and violation of prison policy.

(f) Judgment is entered against plaintiff Jacoby and in favor of these four defendants as indicated in subparagraphs (a) through (e) above, with plaintiff Jacoby taking nothing on his complaint to this extent.

(3) Said four defendants' motion for summary judgment (Doc. 46) is denied as to the following claims:

(a) Plaintiff Jacoby's claims of excessive force against defendants Hall, Calvin, and Clay in their individual capacities.

(b) Plaintiff Jacoby's claims of deliberate indifference against defendants Calvin and Clay in their individual capacities.

(4) As summary judgment has been granted on all claims against him, defendant McKee is terminated as a party.

(5) The fifth defendant, Officer Michael Lanier, is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m), and he is terminated as a party.

The clerk of the court is DIRECTED to enter this document on the civil docket as a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

This case is not closed, and will be set for a jury trial on plaintiff Jacoby's claims of excessive force and deliberate indifference as set forth above against the three remaining defendants: Hall, Calvin, and Clay.

DONE, this the 17th day of January, 2023.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE